

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**OKI AMERICA, INC., ET AL.,**

**PLAINTIFF,**

**VS.**

**ADVANCED MICRO DEVICES, INC.,**

**DEFENDANT.**

**C04-03171-CRB**

**STIPULATION TO FILE DOCUMENTS  
UNDER SEAL**

**ADVANCED MICRO DEVICES, INC.,**

**COUNTERCLAIMANT,**

**VS.**

**OKI AMERICA, INC., OKI ELECTRIC  
INDUSTRY CO., LTD., OKI DATA  
CORPORATION AND OKI DATA AMERICAS,  
INC.,**

**COUNTER-DEFENDANTS.**

WHEREAS, counsel for Oki and AMD have designated the documents and exhibits listed in Attachment A as Outside Counsel Only under the Protective Order entered by this Court on December 8, 2004; and

WHEREAS, due to citation or paraphrasing of the content of these documents, portions of the following motions have been designated by Oki and AMD as Outside Counsel Only under the Protective Order entered by this Court on December 8, 2004:

(1) AMD's Opposition to Oki's Motion for Partial Summary Judgment of Noninfringement of the '678 Patent; and

(2) AMD's Opposition to Oki's Motion to Strike Smith Report and Portions of Neikirk Report Under *Daubert*.

1 WHEREAS, AMD now seeks to file with the Court the documents listed in  
2 Attachment A which have been designated by Oki and AMD as Outside Counsel Only  
3 under the Protective Order entered by this Court on December 8, 2004.

4 IT IS HEREBY STIPULATED AND AGREED by and between all parties that the  
5 documents listed in Attachment A and the above-referenced motions should be filed under  
6 seal because they contain confidential information protected under the Court's Protective  
7 Order entered December 8, 2004.

8 IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.

9  
10 Dated: October 12, 2006

VINSON & ELKINS, LLP

11 /s/ Adam V. Floyd

Adam V. Floyd

12  
13 Attorneys for Advanced Micro Devices, Inc.

14 KELLOGG, HUBER, HANSEN, TODD &  
15 EVANS, PLLC

16 /s/ Patrick Curran

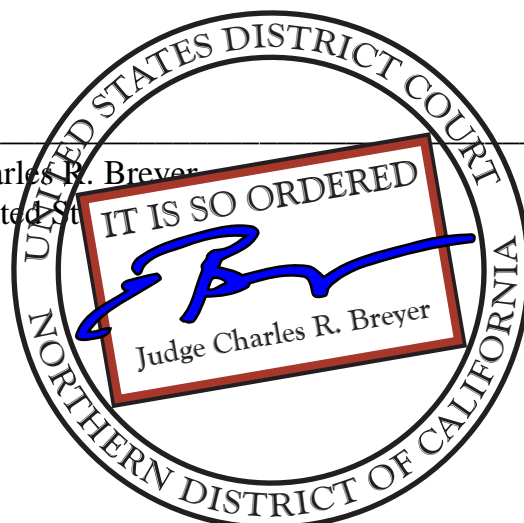
Patrick Curran

17  
18 Attorneys for Oki America, et al.

19  
20 **IT IS SO ORDERED.**

21  
22 Dated: October 27, 2006

23 Charles R. Breyer  
United States District Court



**PROOF OF SERVICE**

I am employed in Travis County Texas, I am over the age of 18 and not a party to the within action; my business address is 2801 Via Fortuna, Suite 100, Austin, Texas 78746.

On October 12, 2006, I served the foregoing document(s) described as

**STIPULATION TO FILE DOCUMENTS UNDER SEAL**

on the interested parties in this action, at the following addresses:

Daniel J. Bergeson  
Melinda M. Morton  
BERGESON, LLP  
303 Almaden Boulevard, Suite 500  
San Jose, CA 95110-2712

Mark C. Hansen  
J.C. Rozendaal  
Patrick Curran  
KELLOGG, HUBER, HANSEN, TODD &  
EVANS, PLLC  
Sumner Square  
1615 M. Street, NW, Suite 400  
Washington, DC 20036

( ) (For Collection). By placing a true copy (copies) thereof enclosed in a sealed envelope(s), addressed as above, and by placing said sealed envelope(s) for collection and mailing on that date following ordinary business practices. I am "readily familiar" with the business' practice for collection and processing of correspondence for mailing the U.S. Postal Service. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Austin, Texas, in the ordinary course of business.

( ) (Overnight Delivery). By placing a true copy(ies) thereof enclosed in a sealed envelope(s) or package(s) as designated by Federal Express, addressed as above, and depositing said envelope(s) or package(s), with delivery fees provided for, in a box regularly maintained by Federal Express at 2801 Via Fortuna, Suite 100, Austin, Texas 78746.

(X) (Electronic Filing). In accordance with Section IX(B) of General Order No. 45 for cases designated in this Court for electronic case filing.

(X) (Courtesy copy via email). By transmitting a true unredacted copy(ies) thereof to each of the designated counsel on the service list to the following email addresses: [jrozendaal@khhte.com](mailto:jrozendaal@khhte.com) and [dbergeson@be-law.com](mailto:dbergeson@be-law.com).

( ) (Personal Delivery). I caused to be served by messenger for personal delivery that same day the foregoing documents in a sealed envelope to the above persons at the address(es) listed above.

(X) I declare under the penalty of perjury that the foregoing is true and correct.

Executed on October 12, 2006 at Austin, Texas.

/s/  
Dawn Crider

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**ATTACHMENT A**

1. Declaration of Bruce Smith In Support of AMD's Oppositions to Oki's Motion to Grant Partial Summary Judgment of Noninfringement of the '678 Patent and Oki's Motion to Strike Smith Report Under *Daubert* with Exhibits; and
2. Declaration of Adam Floyd In Support of AMD's Oppositions to Oki's Motion to Grant Partial Summary Judgment of Noninfringement of the '678 Patent and Oki's Motion to Strike Smith Report Under *Daubert* with Exhibits.

Austin 755157v.1